

REMARKS

Applicant has amended claims 1 and 15 to more clearly define the present invention. Review, reconsideration and allowance of claims 1-29 are respectfully requested. No new matter has been added. Applicant appreciates that the 35 U.S.C. Section 102(b) rejections have been withdrawn.

THE PRESENT INVENTION

The present invention concerns a flashlight, which comprises a body portion having opposing sides, a forward end and a rearward end. The rearward end comprises a split ring portion that is formed from elements of the body. As presently amended, the claims more clearly express that the split ring is formed with the front body. In a preferred embodiment, as shown in the specification and figures, the split ring is molded along with the front part of the body; the legs being made such that one overlies the other for an operable length, and can be opened only by twisting them apart. The flashlight includes a switch configured to operatively couple a power source, carried within the flashlight, with the light source of the flashlight, also carried by the flashlight.

This manner of making the split ring creates a very strong key ring that is more efficient to construct, with fewer steps and no need for the extra work of attaching extra parts to form a key-type ring such as shown in the cited references. Further, the split ring of the present invention has been found to be strong and long lasting and is easy to use.

**THE CITED ART, SPECIFICALLY THE
YU ET AL, GUTHRIE AND HSU REFERENCES**

The Office Action has rejected claims 1-3, 5 and 9-11 under 35 U.S.C. Section 103 as being unpatentable over Yu et al (U.S. Patent No. 6,299,323); and then rejected claims 6-8 as being unpatentable over Yu et al in view of Guthrie1; claims 12-14 as being unpatentable over Yu et al in view of Altman; and claims 15-19 under 35 USC Section 103(a) as being unpatentable over Hsu (U.S. Patent publication No. 2003/0137833) in view of Yu et al. The Office Action has also rejected claims 20-22 under 25 USC 103(a) as being unpatentable over Hsu and Yu et al in view of Guthrie; and claims 24-29 as unpatentable over Hsu and Yu et al in view of Altman.

As noted in Applicant's previous response, both Yu et al and Hsu teach flashlights but neither, alone or in any combination together teach the specific ring clip of the present invention. Further, there is no teaching in either reference or any of the other cited references that would lead a person having ordinary skill in the art to arrive at the specific novel flashlight and ring clip of the present invention.

YU ET AL.

The Office Action states that key ring element of Yu et al. shows a spring 32 extending out from the side of frame 16 which overlaps and engages an arm 30. Engagement by spring 32 is not the same as the overlying limitation of the present claim. The spring of Yu more interlocks with the arm 30 than overlies it. These elements are adjacent to each other not overlying. While the Office Action can read spring 32 as functioning as an arm, it clearly does not; the system of

Yu et al is more of a latch or buckle than an overlying inter-engaged leg. Further, a person making a device of Yu et al, must first create all of the plastic parts of Yu et al and then provide a metal clip that must be attached to the device – requiring extra parts and more labor to install. The spring element of Yu et al, because it is not formed with the rest of the flashlight will likely be a weak connection that is prone to breakage or at least misalignment. Such breakage or misalignment can lead to the loss of keys and/or the loss of the flashlight (which may be attached by its key ring to another object).

The claimed invention does not have this flaw. In sharp contrast, the claims as amended show two arms overlying each other for an effective length, molded with the body of the flashlight, and needing no further assembly (as the spring of Yu et al requires). As amended, the claims show a device that is formed without further assembly, as required by Yu et al.

As noted in Applicant's previous response, the spring portion 32 of Yu et al is of a type that can be released with simple force directed at the spring, thereby not enabling the device of Yu et al. to hold an item in the manner and with the strength created by the clip created in the present invention as now claimed. Further, as the clip of the present invention is formed at the time of the making of the body of the flashlight, the construction and assembly of the device of the present invention is vastly simplified while providing a stronger clip element. The clip element of the present invention requires a specific purpose by the user to remove a key from the clip, wherein in Yu et al, the removal of a key, or other object can be easily done accidentally; causing the loss of the key or other item attached thereto.

As presently amended, the clip of the device of the present invention is clearly different than the key holder of Yu et al. and has specific and decided improvements over any clip and flashlight combination shown.

With respect to the remaining rejections, Applicant notes that all of the rejections include a combination that includes Yu et al. and that therefore, as Yu et al does not teach the present invention the remaining rejections should be withdrawn.

GUTHRIE

With respect to the Guthrie disclosure, while Guthrie teaches an insulating ring it also requires an LED having a specifically formed leg, having a kink designed to defeat the spacing element of Guthrie. Kink 15A enters opening 16A in the spacer to touch battery 4. No person having skill in the art would combine the teachings of Guthrie, requiring a complex bending of a lead of an LED lead to allow the device to work. The present invention is designed to provide an easy to manufacture and use flashlight having an uncomplicated split ring member and a sophisticated switch system that is easy to assemble and use. The added steps of Yu et al, in the creation of the key ring and the added step of bending a small lead to fit a precise location in a the insulating ring of Guthrie would dissuade any person having ordinary skill from combining these teachings. Further, the switching means of Guthrie (and Yu et al) is very different from that of the present invention, such that the combination suggested would not lead to the device of the present invention as claimed.

ALTMAN

With respect to Altman there is no teaching there that would cause a person having ordinary skill in the art to combine these references to arrive at the present invention. Both are flashlights each used for different purposes; as such the removability of an element of one would not necessarily be a desirable trait in a different flashlight, nor would it lead one person to arrive

at the present invention. Further, Altman provides structural elements (44) not found in Yu et al that might provide a person having ordinary skill in the art with the idea that removal of a panel could require more internal structure than provided in Yu et al, thereby teaching away from having replaceable/removable panels in Yu et al. As illustrated, Altman has a large spine and rib cage-like structure which permits the removal of panel without weakening the structure of the device. It is suggested, therefore, that a person having ordinary skill in the art would consider that a substantial internal structure is needed to have a removable panel. Because Yu does not have such a structure a person having ordinary skill in the art would not think that Yu could have removable panels; Altman therefor teaches away from the present invention.

HSU

Applicant respectfully notes first that, as noted above, the combination of Hsu and Yu et al does not teach the device of the present invention as now claimed. As presently claimed, claims 15-19 require that the switch have a portion that extends above the surface of the body of the flashlight, while Hsu requires that the switch be below the surface of the flashlight body, distinguishing itself from the prior art in this way. Applicant further suggests that the combination of Hsu and Yu et al is unlikely as each teaches flashlights having such similar aspects that a person having ordinary skill in the art would not consider the combination. Why would a person having ordinary skill in the art replace the key ring of Hsu with the spring held key holder of Yu et al, which provides a weaker holding element? Such an action would not be considered.

**THE COMBINATION REJECTIONS
YU ET AL AND HSU and GUTHRIE or ALTMAN**

The Office Action rejects others of the claims over various combinations of the above noted references. Applicant respectfully submits that these claims are all dependent on independent claims that have all been demonstrated here to be new, novel and not taught by the main references. Additionally, Applicant has noted that each of these references individually, and in combination with Yu et al, does not teach the present invention. The addition of elements of Altman and/or Guthrie do not overcome the major patentable differences shown by the independent claims of the present invention as amended.

CONCLUSION

Applicant has amended the claims to more clearly describe the present invention and has shown limitations not shown in the references cited. It is believed that the amendments made clearly distinguish the present invention from the cited patents. No new matter has been added.

A request for continued examination (RCE) is included herewith. Applicant hereby respectfully requests reconsideration and continued examination. A sincere effort has been made to overcome the Action's rejections and to place the application in allowable condition. Applicant invites the Examiner to call Applicant's attorney to discuss any aspects of the invention that the Examiner may feel are not clear or which may require further discussion.

A petition for an appropriate extension of time as well as a check to cover the fees for the extension is enclosed herewith. If the petition is defective in any manner the Commissioner is hereby requested to consider this paper as any needed petition and is authorized to charge any additional fees, or credit any overpayments to Deposit Account No, 23-0920. Further, the

Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920. A duplicate copy of this sheet(s) is enclosed. Further, should any other petition be required with respect to this reply and amendment, the Commissioner is respectfully requested to treat this paper as the necessary petition or petitions and to charge the petition fee(s) to the above noted deposit account.

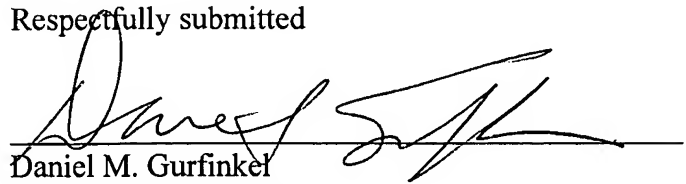
Serial No. 10/624,373

Filed: 07/22/2003

Page 13 of 13

In view of the foregoing remarks and amendments, it is believed that the subject application is now in condition for allowance, and an early Notice of Allowance is respectfully requested.

Respectfully submitted

A handwritten signature in black ink, appearing to read 'Daniel M. Gurfinkel', is written over a horizontal line.

Daniel M. Gurfinkel
Attorney for Applicant
Registration No. 34,177

July 12, 2006

WELSH & KATZ, LTD.
120 South Riverside Plaza,
22nd Floor
Chicago, Illinois 60606
(312) 655-1500